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CLEARINGHOUSE RULE 96-003

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

2. Form, Style and Placement in Administrative Code

a. In the analysis, it appears that the reference to s. 146.50 (5) (d) 2., Stats., as statutory authority for the rule, should be replaced by a reference to s. 146.50 (5) (d) 3., Stats.

b. The analysis to the rule states that a purpose of the rule is to specify the actions that emergency medical technicians-paramedic (EMT’s-paramedic) may carry out, as required by s. 146.50 (6n), Stats. At the least, one of the section headings in ch. HSS 112 should indicate where the authorized actions of EMT’s-paramedic are set forth. As drafted, these provisions are placed in the section dealing with licensure.

c. In s. HSS 112.03 (4), the second occurrence of the word “provider” should be placed within quotation marks.

d. It is unclear why definitions are included for both the term “approved plan,” in s. HSS 112.03 (5) and “EMT-paramedic operational plan,” in s. HSS 112.03 (11) when, apparently, these terms refer to the same thing. Could one term be used consistently throughout the rule?

e. Section HSS 112.03 (9) refers to the Department of Health and Social Services. Since the name of the department will change on July 1, 1996, and since the effective date of Clearinghouse Rule 96-3 probably will not precede that date, it would be appropriate for the department to refer to its new name in this rule provision.

f. It appears that several of the terms defined in s. HSS 112.03 need not be defined because they are adequately defined in the context of the rule in which those terms are used.

This comment applies to the following terms: “biennial licensing,” defined in s. HSS 112.03 (6); “EMT-paramedic refresher training,” defined in s. HSS 112.03 (12); “EMT-paramedic training course,” defined in s. HSS 112.03 (13); “medical director,” defined in s. HSS 112.03 (17); “training director,” defined in s. HSS 112.03 (25); and “training program coordinator,” defined in s. HSS 112.03 (26).

g. There appears to be some inconsistency in the use of the term “medical director,” which is defined in s. HSS 112.03 (17). Specifically, the term “program medical director” is used throughout s. HSS 112.07. See, also, for example, s. HSS 112.05 (1) (e).

h. In s. HSS 112.03 (22), the word “patients” should be replaced by the word “patient’s.”

i. In s. HSS 112.04 (1) (e), should “training” be replaced with “certification”?

j. Section HSS 112.04 (1) (g) provides that “CPR certification shall be maintained throughout the license period for the EMT license to be valid.” This substantive requirement should be placed elsewhere in the rule and not in a provision describing the contents of an application for an EMT-paramedic license.

k. Section HSS 112.04 (1) (h) should set forth standards for the department’s determination for acceptability of the documentation required under that paragraph.

l. In s. HSS 112.04 (3), it is unclear why a complete application need not document that the requirements of sub. (1) (g), (h) and (i) are met.

m. In s. HSS 112.04 (4) (intro.), it appears that the notation “(a)” was inadvertently inserted immediately following the title to that subsection.

n. Is the successful completion of a course for professionals approved by the department a prerequisite to obtaining certification in cardiopulmonary resuscitation? If so, that information need not be included in s. HSS 112.04 (5) (b) 2.

o. In s. HSS 112.04 (5) (b) 5., the additional eligibility requirements which must be documented in the application for renewal should be set forth, or cross-references to those requirements should be included.

p. In s. HSS 112.04 (5) (c), the phrase “expiration date” should be used in the text of the rule rather than the phrase “renewal date.”

q. It appears that several of the requirements for late renewal and reinstatement of an expired EMT-paramedic license are identical to the requirements for renewal of an EMT-paramedic license set forth in s. HSS 112.04 (5) (b). Rather than repeating these requirements in the paragraphs relating to late renewal and reinstatement, a cross-reference to the basic requirements for renewal could be provided.

r. Section HSS 112.06 (1) (c) is confusing because it sets forth requirements for operation of EMT-paramedic training as items which must be included in an application for certification.

tion. The rule would be more understandable if the actual requirements for operation of an EMT-paramedic training center were set forth in a separate subsection appropriately titled.

s. Section HSS 112.06 (1) (e) should read as follows: “No person may initiate EMT-paramedic training until the department has certified the training center under par. (d).” [See s. 1.01 (2), Manual.]

t. In s. HSS 112.06 (2) (b) 1., it is unclear whether identification of the number of hours that will be devoted to classroom training, clinical training and supervised field experience must be submitted if a copy of the course curriculum is submitted or whether that requirement applies only in the event that a statement that the National Standard Curriculum will be utilized. In addition, in that subdivision, why does the reference to s. HSS 112.04 (4) (b) not include a reference to subd. 8. of that paragraph?

u. It appears that in s. HSS 112.06 (2) (b), which sets forth the items which must be submitted in an application for initial training course approval, several requirements for operation of training courses are set forth. The rule would be more understandable if those requirements were, instead, set forth in a separate subsection of the rule with an appropriate title. For example, s. HSS 112.06 (2) (b) 2. d. sets forth the requirement that all skills specified in the curriculum must involve hands-on training and appears to set forth the requirement that certain records of student participation must be kept. These items should be set forth in a separate section.

v. Section HSS 112.06 (3) (d) should specify under what conditions curriculum and training plans must be revised and resubmitted to the department. Also, it appears that the requirement to revise and resubmit curriculum and training plans should be moved to sub. (2), which deals with training course approval. This comment applies to par. (f) as well.

w. Section HSS 112.07 (2) (d), (h) and (p) all use different terms to identify the geographical service area of an ambulance service provider. Only one term should be used consistently throughout the rule.

x. Section HSS 112.07 (2) (m) refers to “an ambulance run report form approved by the department.” What are the requirements for an ambulance run report? What section of the rule provides for department approval of an ambulance run report? A cross-reference should be provided.

y. The last sentence of s. HSS 112.07 (2) (o) should be moved to the section of the rule which sets forth the authorized actions of EMT’s-paramedic.

z. Should s. HSS 112.07 (3) (a) provide that the department will provide reasons, in writing, for disapproval of an EMT-paramedic operational plan? [See s. HSS 112.06 (2) (c).]

aa. The rule should clearly set forth the requirement that an EMT-paramedic program employ or utilize all of the personnel listed in s. HSS 112.07 (4) (a) 1.

ab. Section HSS 112.07 (6) should set forth the procedure for “continuation of approval of an EMT-paramedic operational plan.”

4. Adequacy of References to Related Statutes, Rules and Forms

- a. Section HSS 112.03 (7) should include a cross-reference to the rule section that provides for certification of training centers.
- b. Section HSS 112.03 (18) defines the term “National Standard Curriculum for training EMT’s paramedic.” The rule in effect incorporates the standard curriculum by reference. The department should ensure that the requirements of s. 227.21, Stats., are met.
- c. The cross-references in s. HSS 112.04 (5) (g) 2. would be more useful if they were more specific; for example, the cross-reference to “ch. HSS 110” could be changed to cite the rule section which provides for licensure of EMT’s-basic.

5. Clarity, Grammar, Punctuation and Use of Plain Language

- a. The statement in s. HSS 112.02 that ch. HSS 112 applies to any person who is “involved in” the development or operation of an ambulance service using EMT’s-paramedic to deliver emergency medical care is vague and should be replaced with more specific language.
- b. The definition of “advanced life support,” set forth in s. HSS 112.03 (1) is confusing. Could that definition be made more straightforward by referring instead to the “skills and medications covered in the national standard curriculum for training EMT’s-paramedic,” as is done in s. HSS 112.04 (4) (b) 1.?
- c. Section HSS 112.04 (2), which sets forth the requirements for an examination of an EMT-paramedic license, provides very little direction as to the content of the examination. Is there another rule section or a source such as the National Standard Curriculum that sets forth required elements for the examination? If so, that section or other source should be cited. Further, the rule should more clearly specify what level of performance is necessary to achieve a passing grade.
- d. In s. HSS 112.04 (5) (b) 4., it appears that “an” should be replaced with “the.” Also, it appears that the phrase “that is operating” is unnecessary.
- e. In s. HSS 112.05 (1) (e), is the signature of the program medical director sufficient documentation of enrollment or is additional documentation required? If so, the rule should specify what additional documentation is required. If not, the rule should simply state that the signature of the program medical director is required. This comment applies to par. (f) as well.
- f. It is unclear what level of training is equivalent to having “at least an EMT-paramedic license,” as referred to in s. HSS 112.05 (3) (a). See, also, s. HSS 112.05 (1) (b).
- g. How long is certification of an EMT-paramedic training center, issued under s. HSS 112.06 (1) (d), valid?
- h. Section HSS 112.06 (2) (b) refers to application for *initial* course approval [emphasis added]. Is there a different application process for course approval other than initial course approval? See s. HSS 112.06 (3) (c).

i. In s. HSS 112.06 (2) (b) 2. c., it appears that the first semicolon should be replaced by a comma.

j. Does s. HSS 112.06 (3) (f) require that a person seeking approval of an EMT-paramedic training course must submit, in addition to the proposed curriculum, “procedures, administrative details and guidelines necessary to ensure that there is a standardized program”? If so, this requirement should be set forth more clearly and standards for the department’s review of those items should be included.

k. What are the required elements of an EMT-paramedic patient transfer operational plan required under s. HSS 112.07 (1)?

l. The first sentence of s. HSS 112.07 (1) requires a “county, city, town, village, hospital or any combination of these” to submit an EMT-paramedic operational plan prior to use of EMT’s-paramedic. The second sentence of that section requires an “ambulance service provider” to submit an operational plan prior to using EMT’s-paramedic for transfer. Is an “ambulance service provider” different from a county, city, town, village, hospital or any combination of those which seeks to use EMT’s-paramedic? This point should be clarified.

m. Section HSS 112.07 (2) (i) should specify which local and regional medical, governmental and emergency medical service agencies and authorities must provide “endorsements” and should specify what is required in the “endorsement.”

n. The rule should set forth the required elements and the standards for department review of “written mutual aid and backup agreements” required under s. HSS 112.07 (2) (p).

o. How is the department to determine what number of ambulances is “sufficient” under s. HSS 112.07 (2) (q)?